

Message Text

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PAGE 01 BOGOTA 03237 062240Z
ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 CAB-02 CIAE-00 COME-00
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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 7346

C O N F I D E N T I A L BOGOTA 3237

E.O. 11652: GDS
TAGS: EAIR, CO
SUBJ: AIR ROUTES: AVIANCA APPLICATION TO AMEND ITS OPERATING
PERMIT

REF: STATE 081011, STATE 086768

1. BEFORE PERMITTING CHARGES AND COUNTERCHARGES OVER ROUTE
QUESTIONS TO DAMAGE WHAT APPEAR TO BE IMPROVING BILATERAL
CIVIL AVIATION RELATIONS, WE BELIEVE IT WOULD BE USEFUL
TO CONSIDER SOME ASPECTS OF THE MATTER WHICH MAY HAVE BEEN
OVERLOOKED IN THE PAST.

2. AS WE UNDERSTAND IT, IN A TECHNICAL SENSE BRANIFF HAS
NOT APPLIED FOR PERMISSION TO CARRY LOCAL TRAFFIC ON FLIGHTS
FROM BOGOTA TO BUENOS AIRES AND SANTIAGO. RATHER, FOLLOWING
PROCEDURES IT HAS USED PREVIOUSLY, BRANIFF INFORMED THE
COLOMBIAN CIVIL AVIATION AUTHORITIES OF ITS INTENTIONS.
WHILE THIS PROCEDURE HAS WORKED IN THE PAST (NOT WITHOUT
SOME CRITICISM -- SEE BELOW), THIS TIME IT WAS DOOMED TO
FAILURE FROM THE START GIVEN A) ALREADY CONSIDERABLE U.S.
DELAYS IN PROCESSING AVIANCA AND AEROCONDOR APPLICATIONS,
WHICH OF COURSE WERE RELATED TO B) COLOMBIAN DELAYS IN RESOLVING
THE FUEL PRICE DIFFERENTIAL MATTER.

3. ARTICLE 1861 OF THE COLOMBIAN COMMERCIAL CODE, ADDRESSING
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THE QUESTION OF OPERATING PERMITS, STATES THAT THE AERONAUTIC
AUTHORITY WILL CARRY OUT PUBLIC HEARINGS IN ORDER TO MAKE
A DETAILED ANALYSIS OF THE NEED AND ADVISABILITY OF THE
PROPOSED SERVICE. SEVERAL YEARS AGO, WHEN U.S.-PERUVIAN
CIVIL RELATIONS WERE AT AN ALL TIME LOW, BRANIFF ROUTED
ITS FLIGHTS SOUTH FROM BOGOTA THROUGH BRAZIL, PROCEEDING
ON THE BASIS OF NOTIFYING THE GOC AUTHORITIES OF ITS INTEN-

TIONS. AT THAT TIME, SEVERAL MEMBERS OF CONGRESS WERE HIGHLY AND PUBLICLY CRITICAL THAT THE THEN CIVAIR DIRECTOR HAD PERMITTED BRANIFF TO CHANGE ITS ROUTES/SCHEDULES WITHOUT CONDUCTING A PUBLIC HEARING.

4. ON SEVERAL OCCASIONS, THE CURRENT CIVAIR DIRECTOR HAS INFORMED EC/COM COUNSELOR OF HIS INTENTION TO EXPEDITE BRANIFF'S APPLICATION (ONCE IT IS MADE), BUT HAS REMAINED FIRM IN HIS POSITION THAT A PUBLIC HEARING IS NECESSARY. BOTH HE AND HIS DEPUTY HAVE MET WITH LOCAL BRANIFF REPRESENTATIVE AND HAVE PROVIDED HIM A BRIEF QUESTIONNAIRE SOLICITING BASIC INFORMATION ON NEW ROUTES. DIRECTOR HAS ASSURED EC/COM COUNSELOR THAT THERE WILL BE NO PROBLEM WITH BRANIFF APPLICATION AND, WHEN QUESTIONED DIRECTLY REGARDING THE POSSIBLE IMPACT OF DIRECT OPPOSITION BY AVIANCA, HAS REPLIED THAT HE HAS THE FINAL WORD.

5. WE BELIEVE THAT NOTHING CAN BE GAINED BY DELAYING APPROVAL OF AVIANCA'S APPLICATION AND WE RECOMMEND AGAINST DOING SO. A DELIBERATE DELAY IN APPROVAL WILL MAKE IT NEARLY IMPOSSIBLE FOR THE CIVAIR DIRECTOR TO LOOK FAVORABLY UPON THE BRANIFF CASE. ASECIO

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